

Arnold & Porter

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March 6, 2018

VIA ECF

Hon. Katherine B. Forrest
United States District Judge
Southern District of New York
500 Pearl Street, Room 2230
New York, NY 10007-1312

Re: *Global Brand Holdings, LLC v. Church & Dwight Co., Inc.*, Case No. 17-cv-6571

Dear Judge Forrest:

We represent non-party Kellwood Apparel, LLC ("Kellwood") in connection with the document subpoena (the "Subpoena") defendant Church & Dwight Co., Inc. ("C&D") served on Kellwood at its Los Angeles, California headquarters on February 8, 2018. We write in response to Your Honor's Order of earlier today.

Kellwood is prepared to undertake a reasonable investigation to locate, and, to the extent they exist, produce the following documents and materials requested in the Subpoena:

- All license agreements, amendments and extensions thereof involving Global Brand Holdings, LLC ("Global")'s XOXO Marks, prior to the expiration of the Kellwood's licensing relationship with Global in December 2017;
- Royalty reporting packages Kellwood provided to Global in connection with the XOXO license from January 1, 2011 forward, which, among other things, (a) state the total unit and dollar sales of products sold under Global's XOXO Marks, (b) identify Kellwood's customers, (c) state the amount of money Kellwood spent in connection with the advertising and promotion of products sold under Global's XOXO Marks, and (d) state the amount of money Kellwood paid to Global in connection with the XOXO license;
- Documents sufficient to identify the target consumer of products sold under Global's XOXO Marks, from January 1, 2011 forward;
- Examples of advertisements and promotional materials used in connection with the marketing and sale of products bearing Global's XOXO Marks, from January 1, 2011 forward;
- Market research or studies concerning consumer perceptions of Global's XOXO Marks and/or brand;


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- Documents referring or relating to C&D's use of the term "XOXO" in advertisements or commerce and/or any perceived consumer association on the part of consumers between Global or Kellwood, on the one hand, and C&D, on the other, generated or received by Kellwood; and
- Documents sufficient to identify the particular font to be used in connection with Global's XOXO Marks.

Kellwood is prepared to endeavor to locate, compile and produce the foregoing categories of documents, in electronic format, to C&D's counsel in New York, on or before March 23, 2018. The foregoing investigation and production would be subject to, and without waiver of Kellwood's objections to the Subpoena.

We thank the Court for its consideration.

Respectfully submitted,


Louis S. Ederer

cc: All counsel (via ECF)

Ordered
For the time being, this satisfies
Kellwood's obligations pursuant to the
Subpoena. Once C+D has reviewed,
if it has very particularized
remaining concerns it shall meet
and confer with Kellwood's counsel
before bringing a renewed (specific)
motion to this Court.

K.B. Forster

USDC

3/8/18